

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

VARIANT HOLDINGS LLC, *ET AL.*,

v.

Z RESORTS LLC, *ET AL.*

NO. 2:11-CV-290-JRG  
CONSOLIDATED

VARIANT HOLDINGS, LLC, *ET AL.*,

v.

AMERCO, *ET AL.*

NO. 2:11-CV-422-JRG  
CONSOLIDATED

VARIANT HOLDINGS, LLC, *ET AL.*,

V.

HILTON HOTELS HOLDINGS, *ET AL.*

NO. 2:11-CV-427-JRG  
CONSOLIDATED

**STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE**

The Plaintiffs, VARIANT HOLDINGS, LLC and VARIANT, INC., and Defendants BAYMONT FRANCHISE SYSTEMS, INC. D/B/A BAYMONT INN & SUITES; DAYS INNS WORLDWIDE, INC.; HOWARD JOHNSON INTERNATIONAL, INC.; RAMADA WORLDWIDE INC.; WINGATE INNS INTERNATIONAL, INC.; WYNDHAM HOTEL GROUP, LLC; WYNDHAM HOTELS AND RESORTS, LLC; WYNDHAM VACATION RESORTS, INC.; WYNDHAM WORLDWIDE CORPORATION; HAWTHORN SUITES FRANCHISING, INC.; KNIGHTS FRANCHISE SYSTEMS, INC. D/B/A KNIGHTS INN; MICROTEL INNS AND SUITES FRANCHISING, INC. D/B/A MICROTEL INNS AND SUITES; SUPER 8 WORLDWIDE, INC.; TRAVELODGE HOTELS, INC.; TRYP HOTELS WORLDWIDE, INC.; and U.S. FRANCHISE SYSTEMS, INC. (collectively, the “WYNDHAM DEFENDANTS”), pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order

dismissing all claims and counterclaims in this action asserted between them WITH PREJUDICE, with each party to bear its own costs, expenses and attorneys fees.

July 29, 2013

Respectfully submitted,

/s/ David M. Stein

David M. Stein (Lead Attorney)  
Texas State Bar No. 00797494  
AKIN GUMP STRAUSS HAUER &  
FELD LLP  
633 West Fifth Street, Suite 5000  
Los Angeles, CA 90071  
Telephone: 213.254.1200  
Facsimile: 213.254.1201  
dstein@akingump.com  
Charles Everingham, IV  
Texas State Bar No. 00787447  
AKIN GUMP STRAUSS HAUER &  
FELD LLP  
911 West Loop 281  
Suite 211-40  
Longview, Texas 75604  
Telephone: 903.297.7404  
Facsimile: 903.297.740  
ceveringham@akingump.com

Kellie M. Johnson  
Texas State Bar No. 24070003  
AKIN GUMP STRAUSS HAUER &  
FELD LLP  
1700 Pacific Avenue, Suite 4100  
Dallas, TX 75201  
Telephone: 214.969.2800  
Facsimile: 214.969.4343  
kmjohnson@akingump.com

J. Thad Heartfield  
Texas Bar No. 09346800  
M. Dru Montgomery  
Texas Bar No. 24010800  
THE HEARTFIELD LAW FIRM  
2195 Dowlen Road  
Beaumont, Texas 77706  
Phone: (409) 866-3318

/s/ John J Edmonds

John J. Edmonds – LEAD COUNSEL  
Texas Bar No. 789758  
Steve Schlather  
Texas Bar No. 24007993  
COLLINS, EDMONDS POGORZELSKI,  
SCHLATHER & TOWER, PLLC  
1616 S. Voss Rd., Suite 125  
Houston, Texas 77057  
Telephone: (281) 501-3425  
Facsimile: (832) 415-2535  
jedmonds@cepiplaw.com  
sschlather@cepiplaw.com

ATTORNEYS FOR PLAINTIFF  
VARIANT LLC

Fax: (409) 866-5789  
thad@jth-law.com  
dru@jth-law.com

ATTORNEYS FOR DEFENDANT OMNI  
HOTELS MANAGEMENT CORP.

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

July 29, 2013

/s/ John J. Edmonds  
John J. Edmonds